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UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

In re	) Case No. 16-43138-RLE
	) Chapter 13
Kathy Marie Bunton Randy St. Clair Bunton,	) **OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN**
Debtors.	) **341(a) Meeting of Creditors:** Date: 12/15/2016 Time: 2:00 PM Place: 1301 Clay Street, Room 680N Oakland CA
	) Judge: Roger L. Efremsky

JPMorgan Chase Bank, National Association, its assignees and/or successors, ("Secured Creditor") in the above-entitled Bankruptcy proceeding, hereby submits the following Objections to Confirmation of the Chapter 13 Plan proposed by ("Debtors") Kathy Marie Bunton and Randy St. Clair Bunton.

1. Secured Creditor is entitled to receive payments pursuant to a Promissory Note which matures on 4/1/2042 and is secured by a Deed of Trust on the subject property commonly known as 3627 Garrow Dr, Antioch, CA 94509. As of 11/10/2016, the amount in default was approximately $2,024.83, incurred with respect to the default. The Proof of Claim will be filed on or before the claims deadline of 3/15/2017; however, Secured Creditor submits the following objection to timely preserve its rights and treatment under the proposed Plan.

2. The proposed Plan does not provide for pre-petition arrearages owed to Secured Creditor. To cure the pre-petition arrearages of $2,024.83 over the term of the Plan within 60 months, Secured Creditor must receive a minimum payment of $33.74 per month from the Debtors through the Plan. Although Debtors do not provide for payments to Secured Creditor, Debtors' Plan provides for payments to the Trustee in the amount of $200.00 per month for 5 months, then $350.00 per month for 4 months, then $200.00 per month for 8 months, then $350.00 per month for 4 months, then $200.00 per month for 8 months, then $350.00 per month for 4 months, then $200.00 per month for 8 months, then $350.00 per month for 4 months, then $200.00 per month for 8 months, then $350.00 per month for 4 months, then $200.00 per month for 3 months. It appears Debtor has sufficient funds to provide for the full arrearages of Secured Creditor and thus the Plan should be amended accordingly. A true and correct copy of Debtors' Schedules I and J is attached hereto as **Exhibit "1"**.

3. Unless otherwise ordered, under 11 U.S.C. § 1326(a)(1), the Debtors shall commence making the payments proposed by the Plan within 30 days after the Petition is filed. The Plan must comply with all applicable provisions of 11 U.S.C. § 1325 to be confirmed. As such, the Plan cannot be confirmed.

4. The Debtors' Plan proposes to pay unsecured creditors ahead of the secured claim of the objecting Creditor. Such a proposal is not allowed and Secured Creditor objects to such a plan. Accordingly, the Plan should not be confirmed.

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CONCLUSION

Any Chapter 13 Plan proposed by the Debtors must provide for and eliminate the Objections specified above in order to be reasonable and to comply with applicable provisions of the Bankruptcy Code. Secured Creditor respectfully requests that confirmation of the Chapter 13 Plan as proposed by the Debtors be denied, or in the alternative, be amended to provide for full payoff of the arrearages owed to Secured Creditor.

WHEREFORE, Secured Creditor prays as follows:

1. That confirmation of the Proposed Chapter 13 Plan be denied, or in the alternative, be amended to provide for full payoff of the arrearages owed to Secured Creditor within 60 months;

2. For attorneys' fees and costs herein,

3. For such other relief as this Court deems proper.

Respectfully submitted,

McCarthy & Holthus, LLP

12/8/2016

By: /s/ Nancy Lee
Nancy Lee, Esq.
Attorney for Secured Creditor

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